

### REMARKS

This is a reissue application based on U.S. Patent 6,369,417. Claims 1 – 43 are pending and at issue. The originally-issued claims 1 – 15 are allowed. The remaining claims stand rejected on prior art grounds. Specifically, the official action rejects claims 16, 18, 22, 30 and 37 under 35 U.S.C. § 103 as obvious in view of U.S. Patent 6,307,243 (“*Rhodes*”) in a suggested combination with U.S. Patent 6,249,034 (“*Li*”). The action rejects claims 17, 19, 20, 21, 23 – 29, 31 – 36, and 38 – 43 under 35 U.S.C. § 103 as obvious in view of *Rhodes* in a suggested combination with *Li* and U.S. Patent 6,274,917 (“*Fan et al.*”). Applicant respectfully traverses and requests reconsideration.

Applicant has amended claims 16, 17, 22, 24, 30, 31, 37 and 38 to more particularly point out and distinctly claim the respective subject matter. Independent claims 16, 22, 30 and 37, for example, have been amended to recite (albeit in slightly different forms across these claims) an oxide layer formed to cover the resulting structure in the unit pixel area and the pad area. Claim 16, for example, has been amended to recite “an oxide layer formed to cover a resulting structure in the unit pixel area and the pad area.” By way of example, FIGS. 3d and 3e of the patent illustrate example configurations where an oxide layer (308) has been formed on the resulting structures of both the unit pixel area (300) and the pad area (350).

It is clear that neither *Rhodes*, *Li*, nor *Fan et al.* disclose, teach or suggest a CMOS image sensor comprising an oxide layer formed to cover a resulting structure in both the unit pixel area and the pad area. Moreover, none of these references disclose, teach, or suggest a method of forming an oxide layer in both the unit pixel area and the pad area, after forming a micro-lens in the former. The action points to *Rhodes* as teaching an oxide layer over a microlens, but there is no suggestion of forming that oxide layer over both a unit pixel area and a pad area. *Li*, which the action cites as showing a pad area, does not teach an oxide layer of any kind. And *Fan et al.*, which the action cites as teaching a passivation layer, does not teach an oxide layer extending over a unit pixel area and a pad area.

Therefore, the subject matter recited in independent claims 16, 22, 30 and 37, and the claims depending therefrom, is clearly not shown. All pending claims (1 – 15 and

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16 – 43) are in condition for allowance, and timely confirmation of the same is respectfully requested.

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Respectfully submitted,

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